

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 In Re: New York City Policing During Summer : ORDER  
 2020 Demonstrations : 20 Civ. 8924 (CM) (GWG)  
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**GABRIEL W. GORENSTEIN, United States Magistrate Judge**

Plaintiffs filed a letter on February 2, 2022 (Docket # 374) requesting a conference pursuant to Local Civil Rule 37.2 concerning the City's failure to produce documents in response to Requests 79 and 94 of the plaintiffs' Second Consolidated Set of Requests for Production of Documents regarding a racist video circulated in 2019 by then-head of the Sergeants Benevolent Association, Edward D. Mullins. As noted in the Court's Order of February 7, 2022 (Docket # 383) the City failed to timely respond to plaintiffs' letter in accordance with the Court's Individual Practices and as such, the Court deems the plaintiffs' application unopposed.

Accordingly, Defendants' objections to Requests 79 and 94 of the plaintiffs' Second Consolidated Set of Requests for Production of Documents are overruled, and the City is hereby ordered to produce the following, on or before February 18, 2022:

1. All documents concerning Mr. Mullins' circulation of a racist video in August 2019, including any investigations into this action and any discipline or recommendations of discipline that were made;
2. All documents concerning the February 2021 CCRB substantiation of three complaints against Mr. Mullins for offensive language and abuse of authority.

This deadline will not be extended unless it is impossible to meet. If defendants believe this deadline is impossible to meet, they shall produce all documents available as of February 18, and no later than February 16, shall file a detailed sworn statement from an individual with personal knowledge of all efforts made to respond to the request, explaining why the February 18 deadline is impossible to meet, detailing all efforts that have been made to meet the deadline, including dates such efforts were commenced, and stating when all responsive documents will be produced. If Defendants fail to meet any deadlines included in this Order, they must submit a letter to the Court within one day of missing the deadline explaining why the City should not be sanctioned pursuant to Fed. R. Civ. P. 37(b) for its failure to comply with this Order.

SO ORDERED.

Dated: February \_\_, 2022  
 New York, New York

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GABRIEL W. GORENSTEIN  
 United States Magistrate Judge